

Department of Public Health  
and Human Services

Section:  
NONFINANCIAL REQUIREMENTS

TANF CASH ASSISTANCE

Subject:  
Alien Status

**Supersedes:** TANF 301-2 pages 1-2 only (01/01/07); TB-33 (3/23/07)

**References:** ARM 37.78.102 and .220; 65 FR 58301-58303; PL 104-208; PL 105-306

GENERAL RULE–TANF cash assistance eligibility for aliens is based on whether the alien meets qualified alien status. If the individual does not meet citizenship requirements (TANF 301-1), he/she must:

1. Provide documentation of his/her alien status; **and**
2. Sign a declaration under penalty of perjury that he/she meets the alien qualifications to receive benefits.

The minor child's caretaker relative is required to sign a statement for all minor children for whom application is made. This statement is included in the HCS-250, "Application for Assistance". The caretaker relative is signing for all household members.

If an individual is not a U.S. citizen or U.S. National, his/her alien status must be evaluated. Aliens meeting one of the status categories are considered "qualified aliens" and may be eligible for assistance if all other program requirements are met.

Aliens, other than those who meet the qualified alien criteria, are not eligible for benefits. This group includes, but is not limited to, visitors, tourists, diplomats and students who enter the U.S. temporarily with no intention of abandoning their residence in a foreign country.

**NOTE:** Refugees may be eligible for Refugee Cash Assistance and Refugee Medical Assistance under certain conditions.  
(Refer to TANF 1001-1 and 1002-1.)

Alien status is normally indicated by documents from the United States Citizenship and Immigration Services (USCIS), or the written decision of an immigration judge.

If a filing unit member is an alien, review the current members for qualified alien status any time a participant submits a change report which affects the household composition (i.e., a member moves in/out, divorces or dies).

**ALIEN STATUS  
VERIFICATION  
(S.A.V.E.)**

Immigration status of all alien applicants must be verified with USCIS. **The eligibility determination process is not to be delayed pending USCIS verification of the documents, provided all other eligibility criteria have been met.**

Alien Status verification through USCIS is provided by:

1. Completing USCIS Form G-845S "Document Verification Request" and attaching copies (both sides) of the documentation of immigration status provided by the alien applicant;
2. Submitting Form G-845S (with attached copies) to a status verifier in California:

Status Verification of Citizenship  
US Department of Homeland Security  
300 North Los Angeles 2031  
Los Angeles, CA 90012

If item #12 or #16 in the USCIS Response section of Form G-845S is marked by the Status Verifier, deny or terminate assistance. Use the following legal cites: P.L. 104-193, Title IV, Section 400-431.

All other USCIS responses indicate valid documents. Benefits may be authorized/continued if all other eligibility criteria are met. Document the results of USCIS verification in TEAMS case notes (CANO); retain appropriate documentation in the case file.

**MANDATORY  
REPORTING**

In the administration of the TANF block grant, states are mandated to report all aliens **known** to be unlawfully residing in the United States. The definition of 'known' in this circumstance is "when the unlawful presence is a finding of fact or conclusion of law that is made by the entity as part of a formal determination."

The determination by SAVES will either prove or disprove that the individual is lawfully residing in the United States. Based on the information provided by the individual, SAVES will determine that the individual is an alien known to be unlawfully residing in the United States as defined above, **OR** that they are unable to verify that the individual **is** lawfully residing in the United States.



When the response from SAVES is either of the above, the OPA Case Manager will E-Mail the following information to Susan Rutherford at Central Office at the time the determination is received in the OPA office:

- a. individual's name
- b. residential address,
- c. phone number
- d. Social Security number (if one is available)
- e. county number
- and**
- f. the basis for this determination (either unlawfully residing or unable to verify status) as provided by SAVES

The information will be compiled for a report that must be sent to USCIS on a quarterly basis. Once the information is received by USCIS, a staff person from that agency will contact the individual for an in-person or a phone interview. The interview will be conducted by a home visit, at the USCIC office or the local OPA office.

## ELIGIBLE CATEGORIES

The following categories of qualified aliens may be eligible for benefits if all other eligibility requirements are met:

**NOTE:** See 5-year ban, quarters of work, and time-limited eligibility later in this section.

1. **Lawfully Admitted to the United States for Permanent Residence (LAPR)** - An individual legally admitted to the U.S. who does not meet any other category such as refugee, etc., or has had his/her status changed from another category after entry. Must also meet the 40 qualifying quarters of work criteria.
2. **Refugee** - A refugee who was admitted to the U.S. under section 207 of the Immigration and Nationality Act (INA); time limited eligibility for only 7 years from the date of entry;
3. **Asylee** - An asylee who was granted asylum under section 208 of the INA; time limited eligibility for only 7 years from the date of entry/date granted asylum;
4. **Deportation Withheld** - An alien who has had deportation withheld under Section 243(h) of the INA; time limited eligibility for only 7 years from the date of entry/date withholding was granted;
5. **Parolee** - An alien granted parole for at least one year under Section 212(d)(5) of the INA;

6. **Conditional Entry** - An alien granted conditional entry under Section 203(a)(7) of the immigration law in effect before April 1, 1980;
7. **Cuban/Haitian Entrants** - defined in section 501(e) of the Refugee Education Assistance Act of 1980; time limited eligibility for only 7 years after they obtain such status;

Includes any alien who has ever been:

- a. Granted parole status as a Cuban/Haitian entrant; **or**
- b. Granted any other special status for a national of Cuba or Haiti; **or**
- c. A national of Cuba or Haiti; **and**
  - (i) was paroled into the U.S. and has not acquired any other status; or
  - (ii) is the subject of removal proceedings or has an application for asylum pending; and
  - (iii) does not have a final order for removal entered.

8. **Amerasian Immigrants** - who are admitted to the U.S. pursuant to section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988; time limited eligibility for only 7 years after their admission;

Includes a LAPR who was a resident of Vietnam as of December 22, 1987 and is an alien who:

- a. Was born in Vietnam after January 1, 1962 and before January 1, 1976; **and**
- b. Was fathered by a U.S. citizen; **or**
- c. Is the spouse, child, the natural mother, acted as the mother, father or next of kin to the alien described in 'a' and 'b' above; **and**
- d. Accompanies or follows to join the alien and has a bona fide familial relationship; **and**
- e. Whose admission is necessary for humanitarian purposes to assure family unity.

9. **American Indians** - An American Indian who was born in Canada and is at least 50% American Indian blood is considered to be Lawfully Admitted for Permanent Residence (LAPR);

**NOTE:** American Indians born in Canada do **not** have to meet the 40 qualifying work quarters requirement.

**NOTE:** This policy does not include a child of such an American Indian nor a non-citizen whose membership in an Indian tribe or family is created by adoption, unless such person is at least 50% American Indian blood.

10. **Enrolled Member of an Indian Tribe** - Any member of a federally recognized Indian tribe under Section 4(e) of the Indian Self Determination and Education Assistance Act is considered to be a LAPR;

If the individual has no document verifying tribal membership, contact the tribal government for confirmation of the individual's membership.

**NOTE:** Enrolled members of a federally recognized Indian tribe do not have to meet the 40 qualifying work quarters requirement.

11. **Battered Spouse or Child** - Is an alien who (or whose child or parent) has been battered or subjected to extreme cruelty in the United States under the requirements of 8 USC 1641(c). The battered alien must verify:

- a. evidence of battery or extreme cruelty to the family (applicant, applicant's child or the child applicant's parent) by providing verification of a petition or application filed or evidence that a case was established by USCIS; **and**
- b. substantial connection between the abuse and the need for benefits; **and**

Example - benefits are needed:

- (i) due to a loss of financial support resulting from the family's separation; or

- (ii) to enable the family to become self-sufficient following the separation; or
- (iii) to escape the abuser and/or the community in which the abuser lives to insure their safety; or
- (iv) because of work absences or lower job performance resulting from the battery/ extreme cruelty; or
- (v) because of legal proceedings caused by the abuse which result in - child support obligations, child custody disputes, loss of a job or leaving a job for safety reasons; or
- (vi) because a member(s) of the family require(s) medical attention or mental health counseling or has become disabled as a result of the battery or cruelty; or
- (vii) due to loss of a dwelling and/or source of income, or fear of the abuser jeopardizes the parent's ability to care for the children (i.e., inability to house, feed, or clothe children or to put children into daycare for fear of being found by the abuser); or
- (ix) to alleviate nutritional risk or need because of the abuse or separation; or
- (x) to provide medical care during a pregnancy resulting from the abuser's sexual assault or abuse or relationship with a family member or to care for any resulting children; or
- (xi) because medical coverage and/or health care services are needed to replace medical coverage or health care services the family lost because of the separation.

c. they are no longer residing with the abuser.

12. **Veteran or Active Duty Military Personnel - A qualified alien who is:**

- a. a veteran of the U.S. Armed Forces and received a discharge characterized as honorable and not because of alienage;

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**NOTE:** Acceptable documentation of veteran status is the original copy of the veteran's discharge papers issued by the branch of service in which the applicant was a member.

**NOTE:** If the individual has been discharged more than once (i.e., enlisted in different branches of the service) only the most recent discharge will be considered.

- b. a Hmong and other Highland Laotian veteran who fought on behalf of the U.S. Armed Forces during the Vietnam conflict (considered veterans for purposes of determining qualified alien status);
- c. an active duty member in the U.S. Armed Forces who is on active duty for purposes other than training only (i.e., Reserves, National Guard);

**NOTE:** Acceptable documentation of active military status is the original copy of the applicant's current orders posting the applicant to a military, air, or naval base.

- d. the spouse, unmarried child or surviving spouse (not remarried) of an **alien** Veteran or **alien** Active Duty Military Personnel as described in a., b. and c. above.

13. **Victim of a Severe Form of Trafficking** - Is an alien who has been a victim of a severe form of trafficking as determined by the U.S. Department of Health and Human Services (HHS); time limited eligibility for only 7 years from the date of entry.

**NOTE:** All victims of a severe form of trafficking will have documentation from HHS.

- 1. Adult victims of trafficking will receive a certification form from HHS.
- 2. Children who are victims of trafficking will not be certified but will receive a letter from HHS.

**5-YEAR BAN**

Legal aliens entering the U.S. are **NOT** eligible for TANF cash assistance for 5 years after their date of entry into the U.S. unless they are:

- 1. Refugees;
- 2. Asylees;

3. Aliens whose deportation has been withheld under Section 243(h);
4. Cuban/Haitian Entrants as defined in Section 501(e) of the Refugee Assistance Act of 1980;
5. Amerasian Immigrants admitted to the U.S. pursuant to section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988;
6. Honorably discharged veterans, on active duty in the United States armed forces, their spouse and/or unmarried dependent child(ren);
7. American Indians (at least 50% American Indian blood) born in Canada;
8. Enrolled Members of a federally-recognized Indian Tribe under section 4(e) of the Indian Self Determination and Education Assistance Act; or
9. Victim of a severe form of trafficking as determined by HHS.

Once the 5-year period has expired, upon application an alien's eligibility will be determined based on 40 qualifying quarters of work.

#### QUARTERS OF WORK

An applicant must serve the 5-year ban, unless they qualify under one of the exempt statuses listed above. Once the 5-year ban is completed, the qualifying quarters of work requirement can be met if earned by:

1. the alien;
2. the alien's living and/or deceased parents (natural, adoptive or stepparents) while the alien was under age 18 (including quarters earned before his/her birth) regardless of his/her current age; and/or
3. the alien's spouse during their marriage if the marriage continues or if the spouse is deceased.

**NOTE:** Quarters of work must only be evaluated for individuals whose status is LAPR, including those whose time-limited eligibility has expired and their status has changed to LAPR (see page 10).

The individual must provide the verification of earnings of 10 years or more with employer statements, income tax forms, wage stubs, etc., or obtain verification by requesting the information from the regional SSA office. The OPA Case Manager can request the data via the SVES (State Verification and Exchange System) interface with SSA.

To request the 40 quarters of work information using SVES, enter a 'Y' in the 'SSA 40Q' field of the RECI (Residency/Citizenship) screen. If the alien does not have the required 40 quarters of their own, the OPA Case Manager will need to access another family member's information to make up the difference.



No work quarters are creditable for any period beginning after December 31, 1996, if either the alien or the worker (the parent or spouse) received any Federal means-tested benefits or food stamps during the period in which the work quarters were earned.

**NOTE:** Federal means-tested benefits include Medicaid, TANF cash assistance and SSI cash benefits. It does not include LIEAP (Low Income Energy Assistance Program), any other food assistance, childcare, or housing assistance.

### TIME-LIMITED ELIGIBILITY

Certain aliens who meet all financial and non-financial eligibility criteria may receive TANF cash assistance benefits for only seven (7) years after date of entry/designation (e.g., refugee, etc.) by the USCIS. They include aliens who:

1. Were admitted as refugees under section 207 of the INA; or
2. Were granted asylum under section 208 of the INA; or
3. Whose deportation was withheld under section 243(h) of the INA; or
4. Were admitted as Cuban/Haitian entrants as defined in section 501(e) of the Refugee Education Assistance Act of 1980; or
5. Were admitted as Amerasian Immigrants under section 584 of the Foreign Operations, Export Financing and Related Programs Appropriations Act of 1988; or
6. Were admitted as a victim of a severe form of trafficking as determined by the U.S. Department of Health and Human Services (HHS).

**NOTE:** If an alien eligible in one of these six categories adjusts to another status (e.g., LAPR) during the seven-year period, eligibility may continue during the entire seven years after the date of admission. After the seven years have expired, the individual must qualify under another eligible category to continue receiving assistance.

An alien in one of the above six categories who does not otherwise meet the citizenship/alien status requirements (based on adjustment to LAPR status with 40 qualifying quarters, naturalization, being the child of an alien active duty member of the military or alien veteran or meet other criteria for qualified aliens) loses eligibility under this provision, effective with the

first month beginning seven years after their date of entry/date of designation.

**NOTE:** An alert must be set on the TEAMS ETAL screen for all qualified aliens subject to time limits due to their alien status. Set the alert for the month prior to the last month of seven years from their date of entry. Timely notice of adverse action to discontinue benefits must be sent.

**SPONSOR'S INCOME AND RESOURCES** In determining a qualified alien's eligibility, the income and resources of the alien's sponsor must be considered (TANF cash assistance manual section 604-1). An investigation of the sponsor's status and circumstances is required. A sponsor is an individual who is:

1. A U.S. citizen, U.S. National or an alien who is lawfully admitted to the U.S. for permanent residence;
2. 18 years of age or older;
3. Residing in any of the 50 states or the District of Columbia; and
4. Petitioning for the admission of the alien under section 213 of the Immigration and Nationality Act (INA) (Affidavit of Support, Form I-134).

The income and resources of the alien's sponsor and sponsor's spouse are deemed to be available to the alien until such time as the alien:

1. Achieves U.S. citizenship through naturalization, or
2. Has worked 40 qualifying quarters.

**NOTE:** Refugees do not have sponsors.

**ASSIGNING  
NON-WORK SSNs**

The Social Security Administration (SSA) has changed its policy on assigning non work Social Security Numbers (SSNs). An SSN will not be assigned or a replacement card issued to an alien who does not have USCIS authorization to work in the U.S. unless the alien has a valid non work reason for needing an SSN.

Meeting the eligibility requirements for TANF cash assistance, Food Stamps and Medicaid Programs (i.e., that the individual provide his or her SSN to receive benefits) is a valid reason for needing a non work SSN. Agency documentation is required to establish that the individual meets all other requirements to receive benefits except for an SSN. Acceptable agency documentation is a statement on letterhead in which the OPA Case Manager:

1. Specifically identifies the alien,
2. Identifies the non work reason for which an SSN is required, and
3. States that the alien meets all other eligibility requirements to receive benefits except for an SSN.

**NOTE:** The documentation must be on original letterhead, not a photocopy, and cannot be a 'form' letter.

### **LOSS OF ELIGIBILITY DUE TO STATUS CHANGE**

The USCIS can rescind an alien's status, not renew a time-limited status, or adjust the alien's status to a different status. An individual who ceases to meet eligibility requirements because of a change in alien status will lose benefits effective the month following the status change.

The USCIS will make changes in the following situations:

1. **Status Change of an Unmarried Dependent Child of an Alien Veteran or Alien Active Duty Member of the Armed Forces** - Status as an unmarried dependent child ends the month following these events:
  - a. Marriage of the child;
  - b. Loss of dependent status;
  - c. Legal adoption by someone other than the alien veteran or alien active duty member of the Armed Forces or his/her spouse; or
  - d. Separation of the alien active duty member from the military if the discharge is not characterized as honorable or is based on alienage.
2. The **parent or stepparent's status as a spouse of an alien veteran or alien active duty member of the Armed Forces** ends with the month following the month of:
  - a. Divorce or annulment of the marriage; or
  - b. A determination that a marital relationship does not exist.
3. **Battered Alien and Batterer Resume Living in the Same Household** - The status of an alien who is a qualified alien based on battery ends the month after the month the person responsible for the battery or extreme cruelty and the alien resume living in the same household.

4. **Date of Entry status is changed or the alien becomes a U.S. citizen through naturalization.**

**TEAMS  
PROCESSING**

Aliens must be coded on the TEAMS RECI screen as:

1. **EA** (Eligible/Qualified Alien);
2. **RF** (Refugee);
3. **IA** (Ineligible Alien).

An alert must be set on the TEAMS ETAL screen for all qualified aliens subject to time limits due to their alien status (refugees, asylees, deportation withheld). Set the alert for the month prior to the last month of seven years from their date of entry. Timely notice of adverse action to discontinue benefits must be sent.

An alert should also be set on the TEAMS ETAL screen for those individuals who are serving a five-year ban when another family member is receiving assistance. Set the alert for the month prior to the last month of the five-year ban.

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**QUICK REFERENCE GUIDE**

<b>IF ALIEN IS:</b>	<b>S/HE IS POTENTIALLY ELIGIBLE IF:</b>	<b>REQUIRED DOCUMENTATION IS:</b>
Lawfully Admitted Permanent Resident ( <b>LAPR</b> )	Meets 40 Qtrs requirement; or  American Indian born in Canada with at least 50% Native American blood (see below); or  Enrolled member of a federally-recognized Indian tribe under section 4(e) of the Indian Self Determination and Education Assistance Act (see below).	Form <b>I-94</b> alien registration form; or  a temporary unexpired <b>I-551</b> stamp on a Canadian passport.
Refugee	Eligible for 7 years from date of entry.	INS Form <b>I-94</b> endorsed to show entry as refugee under Section 207 of the INA and date of entry to the U.S.;
Asylee	Eligible for 7 years from date of entry/ date granted asylum.	INS Form <b>I-94</b> annotated with stamp showing asylum granted under section 208 of the INA;
Deportation withheld	Eligible for 7 years from date of entry/ date withholding granted.	Form <b>I-94</b> alien registration form
Parolee	Paroled into the U.S. under section 212(d)(5) of the INA for at least one year.	INA Form <b>I-94</b> endorsed to show granting of parole under Section 212(d)(5) of the INA and a date showing granting of parole for <u>at least</u> one year
Conditional Entry	Granted conditional entry under Section 203(a)(7) of the immigration law in effect before April 1, 1980	INA Form <b>I-94</b> endorsed Refugee Conditional Entry
Cuban/ Haitian Entrant	Eligible for 7 years from date of entry/status.	Form <b>I-94</b> alien registration form.
Amerasian Immigrant	Was a resident of Vietnam as of December 22, 1987.  Eligible for 7 years from date of entry.	INS form <b>I-94</b> .

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IF ALIEN IS:	S/HE IS POTENTIALLY ELIGIBLE IF:	REQUIRED DOCUMENTATION IS:
American Indian born in Canada	Is at least 50% Native American blood; or  <b>NOTE:</b> Does <b>not</b> have to meet 40 Qtrs of work requirement.	birth or baptismal certificate issued on a reservation;  tribal records;  a letter from the Canadian Department of Indian Affairs; or  a Canadian Certificate of Indian Status (Form IA-236)
Enrolled Member of an Indian Tribe	Enrolled member of a federally-recognized Indian tribe under section 4(e) of the Indian Self Determination and Education Assistance Act  <b>NOTE:</b> Does <b>not</b> have to meet 40 Qtrs of work requirement.	Documents verifying membership; or  collateral contact with the tribal government for confirmation of the individual's membership.
Battered Spouse/Child	Filed petition or application or evidence of a prima facie case is established by INS.	<b>I-94</b> alien Registration; and Evidence relating to the petition, application or established case by INS. (If this evidence is not produced, the <b>I-94</b> does not need to be verified through SAVE).

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IF ALIEN IS:	S/HE IS POTENTIALLY ELIGIBLE IF:	REQUIRED DOCUMENTATION IS:
Veteran or Active Duty Military Personnel	<p>An honorably discharged veteran of the U.S. Armed Forces;</p> <p>A Hmong or other Highland Laotian veteran who fought on behalf of the U.S. Armed Forces during the Vietnam conflict (considered veterans for purposes of determining qualified alien status);</p> <p>An active duty member of the U.S. Armed Forces who is not on active duty for training purposes only (i.e., Reserves, National Guard); or</p> <p>The spouse, unmarried child or unremarried surviving spouse of an alien Veteran or alien Active Duty Military Personnel as described above.</p>	<p>Acceptable documentation of veteran status is the original copy of the veteran's most recent discharge papers issued by the branch of service in which the applicant was a member</p> <p>Acceptable documentation of active military status is the original copy of the applicant's current orders posting the applicant to a military, air, or naval base.</p>
Victim of a Severe Form of Trafficking	<p>Victim of a severe form of trafficking as determined by HHS.</p> <p>Eligible for 7 years from date of entry.</p>	<p>Adults receive a certification form from HHS.</p> <p>Children receive a letter from HHS.</p>

**TANF CASH ASSISTANCE – ALIEN STATUS (301-2)****GROUPS NOT SUBJECT TO:****40-Qtrs Work Requirement/5-Year Ban/7-Year Limit:**

**American Indians born in Canada**  
**Enrolled Member of an Indian Tribe**  
**Veteran or Active Duty Military Personnel**

**GROUPS SUBJECT TO:**

<b><u>40-Qtrs Work Requirement*</u></b>	<b><u>Serving the 5-Year Ban</u></b>	<b>7-Year Limit unless they adjust to LAPR (w/40 qtrs) <u>become</u> <u>naturalized, or child of mil/vet</u></b>
<b>LAPR</b>	<b>LAPR</b>	<b>Refugee</b>
<b>Battered Spouse or Child</b>	<b>Parolee</b>	<b>Asylee</b>
	<b>Conditional Entry</b>	<b>Deportation Withheld</b>
		<b>Cuban/Haitian</b>
	<b>(once the 5-year ban is served, the 40-qtrs work requirement must be met)</b>	<b>Amerasian Immigrant</b>
		<b>Victim of SF of Trafficking</b>

**\*The 40 qualifying quarters of work requirement can be met if earned by:**

1. the alien;
2. the alien's living and/or deceased parents (natural, adoptive or step) while the alien was under age 18 (including quarters earned before his/her birth) regardless of his/her current age; and/or
3. the alien's spouse during their marriage if the marriage continues or if the spouse is deceased.